

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KELLY L. SMITH & KARLA G.
SMITH,

Plaintiffs,

vs.

CENTRAL PLATTE NATURAL
RESOURCES DISTRICT, et al.,

Defendants.

4:14-CV-3230

ORDER

This matter is before the Court on the plaintiffs' Motion for Extension of Time ([filing 86](#)) and Notice of Appeal ([filing 87](#)). The Court will grant the motion for extension of time, pursuant to [Fed. R. App. P. 4\(a\)\(5\)\(A\)\(i\)](#). Accordingly, the Notice of Appeal ([filing 87](#)) is deemed timely filed.

However, the plaintiffs neither submitted an application to proceed in forma pauperis on appeal, nor provided valid payment for the appellate filing fee. One or the other is required. See [Fed. R. App. P. 3\(e\)](#); [Fed. R. App. P. 24\(a\)\(1\)](#). The Court will provide the plaintiffs with an opportunity to cure the omission: they shall either pay the appellate filing fee or move for leave to appeal in forma pauperis on or before December 28, 2017.

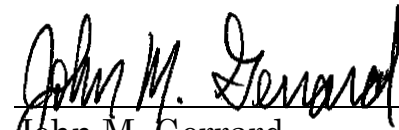
IT IS ORDERED:

1. The plaintiffs' Motion for Extension of Time ([filing 86](#)) is granted.
2. The plaintiffs' notice of appeal ([filing 87](#)) is deemed timely filed.

3. The Clerk of the Court shall send the plaintiffs a copy of form [AO240, Application to Proceed in District Court Without Prepaying Fees or Costs](#).
4. The Clerk of the Court shall set a case management deadline in this matter for December 28, 2017 with the following docket text: Deadline to submit IFP on appeal or pay filing fee.

Dated this 28th day of November, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge